

Opportunity to Object to the Draft Decision for the Forest Plan Amendment for Bat Conservation

The Ozark-St. Francis National Forests have prepared an Environmental Assessment (EA), draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Forest Plan Amendment for Bat Conservation, which includes a programmatic plan amendment to the Ozark-St. Francis National Forests' Plan. The plan amendment proposes to establish more targeted protective measures for threatened, endangered and sensitive (TE&S) bat species, including the Indiana bat, based on recent scientific data collection and monitoring. This would be accomplished in the plan amendment by updating management direction and removing or rewording plan standards. The proposed project or activity is subject to the pre-decisional objection processes pursuant to 36 CFR 218 Subparts A and B and 36 CFR 219 Subparts A and B.

The analysis within the Forest Plan Amendment for Bat Conservation EA and the associated programmatic plan amendment will result in two separate decisions, which consequently requires two separate but concurrent public comment periods. Comments on the Forest Plan Amendment for Bat Conservation EA will be accepted for 45 days while comments on the programmatic plan amendment will also be accepted for 45 days. These two comment periods will begin the day after this legal notice publishes in the Russellville Courier, the Forest newspaper of record. These comment periods provide those interested in or affected by this proposal an opportunity to make their concerns known prior to a decision by the Responsible Official, Lori Wood, Ozark-St. Francis National Forests' Supervisor.

The EA, plan amendment, and draft DN/FONSI are available on-line at: <https://www.fs.usda.gov/project/?project=55628>. These documents are also available for review at the Supervisor's Office in Russellville, Arkansas. Additional information can be obtained from Janine Book at phone number (479) 964-7282 or email janine.book@usda.gov.

How to file an Objection and Timeframe

This proposed project is subject to the objection process pursuant to 36 CFR 218 Subparts A and B and the Forest Plan amendment is subject to the objection process pursuant to 36 CFR 219 Subparts A and B. Objections to the Bat Conservation project or to the Forest Plan amendment will only be accepted from those who have previously submitted timely comments regarding these planning efforts during any designated opportunity for public comment in accordance with the project objection requirements in §218.5(a) and the amendment objection requirements in §219.53(a). Issues raised in objection must be based upon these previously submitted timely comments regarding the planning efforts unless based on information not available during an earlier designated opportunity for public comment (i.e., new information).

Objections on the Bat Conservation project or plan amendment must be submitted within 45 calendar days following the publication of the notice in the Courier, Russellville AR. A calendar day ends at 11:59:59 p.m. in the time zone of the Reviewing Officer for objections filed by electronic means such as email or facsimile. Those wishing to object should not rely upon dates or timeframe information provided by any other source. If the objection filing period ends on a Saturday, Sunday, or Federal holiday, objections will be accepted until the end of the next Federal working day. A timely submission will be determined as outlined in 36 CFR 218.6(a) for project objections, or 36 CFR 219.56(c), for plan amendment objections. It is the responsibility of the sender to ensure timely receipt of any objections submitted.

Objections, including attachments, must be addressed to the Reviewing Official, Regional Forester for the Southern Region Ken Arney, filed via mail, express delivery, or messenger service to Attn: Objections, USDA-Forest Service Southern Region, 1720 Peachtree Rd NW, Atlanta GA 30309; by facsimile to (404) 347-5401; or by email to objections-southern-regional-office@usda.gov. Due to CoVID-19, hand-delivery is not available until further notice. An automated response will confirm the electronic objection has been received. Electronic objections must be submitted in MS Word, Word Perfect, portable document format (PDF), or rich text format (RTF). The subject line for electronic submissions should contain Ozark-St. Francis National Forests' Bat Conservation EA.

Eligible objections must be in writing and contain: (1) The objector's name and address, along with a telephone number or email address if available; (2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection); (3) Identification of the lead objector, when multiple names are listed on an objection, and verification of the identity of the lead objector, if requested. Individual members of an entity must have submitted their own individual comments in order to have eligibility to object as an individual. Including documents by reference is limited. Please contact Janine Book at phone number (479) 964-7282 or email janine.book@usda.gov for further information. Objections received in response to this solicitation, including names and addresses of those who object, will be considered part of the public record on these proposed actions and will be available for public inspection. Objections may be set aside from review if: (1) they are not filed in a timely manner; (2) the proposed project or plan amendment is not subject to the objection procedures; (3) the individual or entity did not submit timely and specific written comments or substantive formal comments during opportunities for public comment; (4) none of the issues included in the objection are based on previously submitted written comments, except for issues that arose after the opportunities for comment; (5) the objection does not provide sufficient information as required; (6) the objector withdraws the objection; (7) an objector's identity is not provided or cannot be determined from the signature, and a reasonable means of contact is not provided; or (8), the objection is illegible for any reason, including submissions in an electronic format different from that specified in the legal notice, and a legible copy cannot easily be obtained.

How to Object to the Bat Conservation Project

Issues raised in objection must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the designated opportunities for comment (36 CFR 218.8(c)). Specific written comments are written comments within the scope of the proposed action, with a direct relationship to the proposed action, and include supporting reasons for the responsible official to consider. Per 36 CFR 218.8(d), in addition to the identifying information outlined above, written objection comments on the proposed project must include: (1) the name of the proposed project, the name and title of the responsible official, and the name(s) of the forest or district on which the proposed project will be implemented; (2) a description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons the reviewing officer should consider; and (3) a statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunities for comment.

How to Object to the Bat Conservation Plan Amendment

Only individuals or entities who submitted substantive formal comments about this plan amendment will be eligible to file an objection. Substantive formal comments are those that are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider (36 CFR 219.62). Per 36 CFR 219.54(c), in addition to the identifying information outlined above, written objection comments must include (1) the identification of the plan amendment being objected to, and the name and title of the responsible official; (2) a statement of the issues and/or the parts of the plan amendment to which the objection applies; (3) a concise statement explaining the objection and suggesting how the proposed plan amendment decision may be improved. If applicable, the objector should identify how the objector believes that the plan amendment is inconsistent with law, regulation or policy; and, (4) a statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment.

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